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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/626,443 | HOGAN, MICHAEL | |
| | Examiner | Art Unit | |
| | Peter Coughlan | 2129 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *25 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/24/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

# Detailed Action

1. This office action is in response to an AMENDMENT entered October 25, 2007 for the patent application 10/626443 filed on July 24, 2003.

2. The First Office Action of July 25, 2007 is fully incorporated into this Final Office Action by reference.

## *Status of Claims*

3. Claims 1-45 are pending.

## *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 43, 44, 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. These is no explanation or description on which 'pattern matching rules based on expert knowledge' is to be employed within the invention.

Under section 2164.01(a) of the MPEP 7 areas need to be addressed for a test of enablement.

(A) The breadth of the claims. The independent claims pertain to biopharmaceutical batch process control systems. There is not a single 'pattern matching rules based on expert knowledge' which is directly associated with a 'biopharmaceutical batch process control system' or 'fast food restaurant information management destination system.' Numerous 'expert systems' which can be used for this purpose, such as 'fuzzy logic' or a 'neural network.' But there exists no such known 'expert system' which is directly associated with a 'biopharmaceutical batch process control system' or 'fast food restaurant information management destination system' and does the specification recite one.

(B) The nature of the invention. The independent claims pertain to 'biopharmaceutical batch process control systems' or 'fast food restaurant information management destination system.' These areas could use pattern recognition as inputs for using a neural network implementation or produce results associated with a percentage such as a 'fuzzy logic' implementation. The nature of the invention does not lead itself to a specific 'pattern matching rules based on expert knowledge.'

(C) The state of the prior art. Searches with patents and patents publications turn up no specific type of 'pattern matching rules based on expert knowledge' which is

used in regards to 'biopharmaceutical batch process control system' or 'fast food restaurant information management destination system.'

(D) The level of one of ordinary skill. There is no preference by the Examiner which leads to concluding using one type of 'pattern matching rules based on expert knowledge' over another. What is required for such a decision is the type of input data which is supplied and the type of answer which is desired. The specification and claims are too broad to narrow this domain thus aiding one of ordinary skill in the art to render a decision.

(E) The level of predictability in the art. There is no predictability within the art of which 'pattern matching rules based on expert knowledge' is to be used which can be used in both domains of 'biopharmaceutical batch process control system' or 'fast food restaurant information management destination system.' These two examples only common element is the invention itself. The fact these two fields are disclosed within the specification teach away from predictability within the art.

(F) The amount of direction provided by the inventor. The inventor gives no direction describing which 'pattern matching rules based on expert knowledge' is to be employed. The inventor gives no indication what the input parameters are to be used. The inventor gives no indication what the output results are outputted. The claims and specification are too broad which provides a direction on what type of 'pattern matching rules based on expert knowledge' is to be used.

(G) The existence of working examples. The specification or claims are silent concerning examples what type of 'pattern matching rules based on expert knowledge'

which can provide 'biopharmaceutical batch process control system' or 'fast food restaurant information management destination system.'

(H) The quantity of experimentation needed to make or use the invention based on the content of the disclosure. The Examiner does not know what input parameters are to be or the output which is desired. This places undue experimentation on the Examiner is trying to decide which 'pattern matching rules based on expert knowledge' is to be employed. Are pattern matching rules equivalent to the weights and summation of values on a given node in a neural network? Are 'pattern matching rules based on expert knowledge' based on fuzzy logic formulas which describe percentages of outcomes? The specification does not provide enough information to aid the Examiner in deciding what type of 'pattern matching rules based on expert knowledge' is used without undue experimentation.

In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

These claims and/or specification must be amended or the claims must be withdrawn from consideration.

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 20, 43, 44 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as August) being anticipated by **Brown**, U.S. Patent Publication 20010018643.

Claim 1

Brown teaches obtaining information from one or more sources (**Brown,** ¶0010; 'Obtaining information from one or more sources' of applicant is equivalent to 'original conceptual design parameters' of Brown.); applying a first plurality of pattern matching rules to the information to obtain a first transformed version of the information, the first plurality of pattern matching rules based on expert knowledge about a first plurality of patterns in the information (**Brown,** ¶0010; 'First plurality of pattern matching rules' of applicant is equivalent to the formulas of 'scale calculations for each of the unit operations' of Brown.); transforming the information using user input to obtain a second transformed version of the information (**Brown,** ¶0010; 'Second transformed version of information' of applicant is disclosed by producing information needed to 'produce the desired amount of product per batch.), the user input obtained via a graphical user interface generated based on a second plurality of pattern matching rules, the second plurality of pattern matching rules based on expert knowledge about a second plurality of patterns in the information (**Brown,** ¶0287, ¶0010; 'Graphical user interface' of

applicant is equivalent to 'interface' of Brown. 'Second plurality of pattern matching rules' of applicant is the resulting output of the 'scale calculations' of Brown.) expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process. (**Brown,** ¶0010; 'First transform version' of applicant is the models or formulas needed for production. 'Second transformed version' of applicant is the resulting answers needed for a specific production run. 'Control a biopharmaceutical batch process' of applicant is equivalent to 'a batch is a single run of the biopharmaceutical process that produces a product.)

Claim 20

Brown teaches receiving input relating to an element of the information from a user. (**Brown,** ¶0287; 'Graphical user interface' of applicant is equivalent to 'interface' of Brown. An interface receives input from a user.)

Claim 43

Brown teaches obtaining information from one or more sources(**Brown,** ¶0010; 'Obtaining information from one or more sources' of applicant is equivalent to 'original conceptual design parameters' of Brown.); applying a first plurality of pattern matching rules to the information to obtain a first transformed version of the information, the first plurality of pattern matching rules based on expert knowledge about a first plurality of

patterns in the information (**Brown,** ¶0010; 'First plurality of pattern matching rules' of applicant is equivalent to 'scale calculations for each of the unit operations' of Brown.); transforming the information using user input to obtain a second transformed version of the information (**Brown,** ¶0010; 'Second transformed version of information' of applicant is disclosed by producing information needed to 'produce the desired amount of product per batch.), the user input obtained via a graphical user interface generated based on a second plurality of pattern matching rules, the second plurality of pattern matching rules based on expert knowledge about a second plurality of patterns in the information(**Brown,** ¶0287, ¶0010; 'Graphical user interface' of applicant is equivalent to 'interface' of Brown. 'Second plurality of pattern matching rules' of applicant is the resulting output of the 'scale calculations' of Brown.); and expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transform version to control a biopharmaceutical process. (**Brown,** ¶0010; 'First transform version' of applicant is the models or formulas needed for production. 'Second transformed version' of applicant is the resulting answers needed for a specific production run. 'Control a biopharmaceutical batch process' of applicant is equivalent to 'a batch is a single run of the biopharmaceutical process that produces a product.)

Claim 44

Brown teaches means for obtaining information from one or more sources (**Brown,** ¶0010; 'Obtaining information from one or more sources' of applicant is equivalent to 'original conceptual design parameters' of Brown.); means for applying a first plurality of pattern matching rules to the information to obtain a first transformed version of the information, the first plurality of pattern matching rules based on expert knowledge about a first plurality of patterns in the information (**Brown,** ¶0010; 'First plurality of pattern matching rules' of applicant is equivalent to 'scale calculations for each of the unit operations' of Brown.); means for transforming the information using user input to obtain a second transformed version of the information (**Brown,** ¶0010; 'Second transformed version of information' of applicant is disclosed by producing information needed to 'produce the desired amount of product per batch.), the user input obtained via a graphical user interface generated based on a second plurality of pattern matching rules, the second plurality of pattern matching rules based on expert knowledge about a second plurality of patterns in the information (**Brown,** ¶0287, ¶0010; 'Graphical user interface' of applicant is equivalent to 'interface' of Brown. 'Second plurality of pattern matching rules' of applicant is the resulting output of the 'scale calculations' of Brown.); and means for expressing the first transformed version and the second transformed version in a process control destination system, the process control system configured by the second transform version to control a process. (**Brown,** ¶0010; 'First transform version' of applicant is the models or formulas needed for production. 'Second transformed version' of applicant is the resulting answers needed for a specific production run.)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Jarett. (U. S. Patent 6195665, referred to as **Jarett**)

Claim 45

Brown teaches obtaining information from one or more sources(**Brown,** ¶0010; 'Obtaining information from one or more sources' of applicant is equivalent to 'original conceptual design parameters' of Brown.); applying a first plurality of pattern matching rules to at least a first portion of the information to obtain a first transformed version of the information, the first plurality of pattern matching rules based on expert knowledge about a first plurality of patterns in the information (**Brown,** ¶0010; 'First plurality of pattern matching rules' of applicant is equivalent to 'scale calculations for each of the

unit operations' of Brown.); transforming at least a second portion of the information using user input to obtain a second transformed version of the information (**Brown,** ¶0010; 'Second transformed version of information' of applicant is disclosed by producing information needed to 'produce the desired amount of product per batch.), the user input obtained via a graphical user interface generated based on a second plurality of pattern matching rules, the second plurality of pattern matching rules based on expert knowledge about a second plurality of patterns in the information. (**Brown,** ¶0287, ¶0010; 'Graphical user interface' of applicant is equivalent to 'interface' of Brown. 'Second plurality of pattern matching rules' of applicant is the resulting output of the 'scale calculations' of Brown.)

Brown does not teach expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant.

Jarett teaches expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant. (**Jarett,** C5:12-58; Transformation of information regarding 'fast food restaurant information management destination system' of applicant is disclosed by the example of 'the fast food or trucking industry might use industry data' for comparison. Jarett illustrates a company within a company using fast food and trucking and the use of

templates.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by employing the invention in the fast food industry as taught by Jarett to have express the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant.

For the purpose of illustrating the flexibility of the invention such that it can be used in other domains besides biopharmaceutical process batch manufacture.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4, 8, 12, 14, 15, 18, 19, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Jayaram. (U. S. Patent 6996589, referred to as **Jayaram**)

Claim 2

Brown does not teach converting the information into a common format.

Jayaram teaches converting the information into a common format. (**Jayaram,** C11:15-55; One example of a 'common format' of applicant is 'XML' of Jayaram. ) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using a consistence format as taught by Jayaram to converting the information into a common format.

For the purpose of avoiding additional computing cost associated with two or more formats.

Claim 3

Brown does not teach converting the information into a user-definable syntax.

Jayaram teaches converting the information into a user-definable syntax. (**Jayaram,** C11:15-55; 'User definable syntax' of applicant is equivalent to 'configurable mapping language' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of

Brown by altering information into a user familiar syntax as taught by Jayaram to converting the information into a user-definable syntax.

For the purpose of having the invention easier to use for the user due to the fact the user defines syntax is employed.

Claim 4

Brown does not teach converting the information into XML.

Jayaram teaches converting the information into XML. (**Jayaram,** C11:15-55; One example of a 'XML' of applicant is 'XML' of Jayaram. ) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using XML as taught by Jayaram to converting the information into XML.

For the purpose of using an industrial standard code for ease of implementation across multiple platforms.

Claim 8

Brown does not teach expressing the information in an XML syntax.

Jayaram teaches expressing the information in an XML syntax. (**Jayaram,** C11:15-55; One example of a 'XML' of applicant is 'XML' of Jayaram. ) It would have been obvious to a person having ordinary skill in the art at the time of applicant's

invention to modify the teachings of Brown by using XML taught by Jayaram to expressing the information in an XML syntax.

For the purpose of using an industrial standard code for ease of expression across multiple platforms.

Claim 12

Brown does not teach generating a plurality of options adapted for use in translation of an element of the information.

Jayaram teaches generating a plurality of options adapted for use in translation of an element of the information. (**Jayaram,** C13:1-47; 'Options' of applicant is equivalent to 'commands' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having options as taught by Jayaram to generating a plurality of options adapted for use in translation of an element of the information.

For the purpose of being able to generate options for obtaining different translations as needed.

Claim 14

Brown does not teach creating graphical user interface elements adapted to present a plurality of options for translating an element of the information.

Jayaram teaches creating graphical user interface elements adapted to present a plurality of options for translating an element of the information. (**Jayaram,** C13:1-47; 'Options' of applicant is equivalent to 'commands' of Jayaram. 'Graphical user interface' of applicant is equivalent to 'GUI' of Jayaram. Jayaram illustrates that instructions may be entered by the GUI.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by being able to view the options as taught by Jayaram to creating graphical user interface elements adapted to present a plurality of options for translating an element of the information.

For the purpose of being able to view the possible options to use for translation functions.

Claim 15

Brown does not teach presenting a plurality of options adapted for use in translation of an element of the information.

Jayaram teaches presenting a plurality of options adapted for use in translation of an element of the information. (**Jayaram,** C13:1-47; 'Presenting a plurality of options of applicant is equivalent to 'constructs in a selectable list' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by displaying the options as taught by Jayaram to presenting a plurality of options adapted for use in translation of an element of the information.

For the purpose of being able to employ the possible options to use for translation functions.

Claim 18

Brown does not teach presenting in the graphical user interface a plurality of options adapted for use in translation of an element of the information.

Jayaram teaches presenting in the graphical user interface a plurality of options adapted for use in translation of an element of the information. (**Jayaram,** C13:1-47; 'Graphical user interface' of applicant is equivalent to 'GUI' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by combining the GUI and the generated options as taught by Jayaram to presenting in the graphical user interface a plurality of options adapted for use in translation of an element of the information.

For the purpose of reducing the effort to employ the options by using a GUI.

Claim 19

Brown does not teach receiving a user-selected option from a plurality of options adapted for use in translation of an element of the information.

Jayaram teaches receiving a user-selected option from a plurality of options adapted for use in translation of an element of the information. (**Jayaram,** C13:1-47; 'Translating an element of the information' of applicant is equivalent to 'the GUI may

further include a mapping language parser to ensure that any mapping dependency constraints are fulfilled' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by being able to accept input as taught by Jayaram to receiving a user-selected option from a plurality of options adapted for use in translation of an element of the information.

For the purpose of having the invention take in input from the user so that the user can chose which translation options are desired.

Claim 23

Brown does not teach tracking received user input adapted for use in translation of an element of the information.

Jayaram teaches tracking received user input adapted for use in translation of an element of the information. (**Jayaram,** C21:34-52; 'Tracking' of applicant is equivalent to 'tracking are published' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by keeping a log as taught by Jayaram to tracking received user input adapted for use in translation of an element of the information.

For the purpose of aiding the user by avoiding duplicate translation request.

Claim 24

Brown does not teach providing an audit trail of the user input relating to a translation of an element of the information.

Jayaram teaches providing an audit trail of the user input relating to a translation of an element of the information. (**Jayaram,** C21:34-52; 'Providing an audit trail' of applicant is equivalent to 'tracking are published' of Jayaram. This is due to the specification 'user input can be tracked, thereby providing an audit trial of user input.') It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having audit trail generated as taught by Jayaram to providing an audit trail of the user input relating to a translation of an element of the information.

For the purpose of keeping track of the cost for the translations of the invention for possible display to the user.

Claim 25

Brown does not teach providing an audit trail of the user input.

Jayaram teaches providing an audit trail of the user input. (**Jayaram,** C21:34-52; 'Providing an audit trail' of applicant is disclosed by 'tracking are published through a report' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by outputting the audit trail as taught by Jayaram to providing an audit trail of the user input.

For the purpose of displaying the cost of the translation to the user so that the user can use this information to avoid audit trail costs thresholds.

Claim 26

Brown does not teach repeating said applying activity.

Jayaram teaches repeating said applying activity. (**Jayaram,** Figure 9; 'Repeating said applying activity' of applicant is equivalent to the 'fail' arrow from 'business requirement compliance check' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by allowing to repeat steps as taught by Jayaram to repeating said applying activity.

For the purpose of repeating a step if required so that a desired result can occur.

Claim 27

Brown does not teach repeating said transforming activity.

Jayaram teaches repeating said transforming activity. (**Jayaram,** Figure 9; 'Repeating said transforming activity' of applicant is equivalent to 'the 'fail' arrow from the 'database attribute compliance check' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by being able to repeat a transformation as taught by Jayaram to repeating said transforming activity.

For the purpose of employing an iteration technique for a desired result.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Payson. (U. S. Patent 6289266, referred to as **Payson**)

Claim 5

Brown does not teach importing the first transformed version into the destination system, the first transformed version obtained from a Bailey INFI-90 configuration database.

Payson teaches importing the first transformed version into the destination system, the first transformed version obtained from a Bailey INFI-90 configuration database. (**Payson,** C5:1-5; 'Bailey INFI-90' of applicant is equivalent to 'INFI 90

available from Bailey' of Payson.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using hardware as taught by Payson to importing the first transformed version into the destination system, the first transformed version obtained from a Bailey INFI-90 configuration database.

For the purpose of using established hardware with proved results and compatibility history.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Talanis. (U. S. Patent Publication 20010047420, referred to as **Talanis**)

Claim 6

Brown does not teach importing the second transformed version into the destination system the second transformed version comprising configuration elements associated with a WinCC operator console.

Talanis teaches importing the second transformed version into the destination system the second transformed version comprising configuration elements associated with a WinCC operator console. (**Talanis,** ¶0013; 'WinCC' of applicant is equivalent to 'WinCC' of Talanis.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using WinCC as taught by Talanis to have importing the second transformed version into the destination system the second transformed version comprising configuration elements associated with a WinCC operator console.

For the purpose of using an established software package as WinCC for importing transforms versions with known reliability and results.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Mylopoulos. ('Knowbel: A Hybrid tool for building expert systems', referred to as **Mylopoulos**)

Claim 7

Brown does not teach parsing the information, the information obtained from an APACS control system configuration database.

Mylopoulos teaches parsing the information, the information obtained from an APACS control system configuration database. (**Mylopoulos,** p22, C2:8 through p23, C1:51) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using APACS as taught by Mylopoulos to have parsing the information, the information obtained from an APACS control system configuration database.

For the purpose of using established hardware with known reliability and performance for obtaining accurate results.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-11, 13, 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Moore. (U. S. Patent Publication 20010056429, referred to as **Moore**)

Claim 9

Brown does not teach applying XSLT transforms to the information.

Moore teaches applying XSLT transforms to the information. (**Moore,** ¶0291; 'XSLT transform' of applicant is equivalent to 'XSLT as a scripting language' of Moore.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by introducing XSLT as taught by Moore to apply XSLT transforms to the information.

For the purpose of using standard information technologies such as XSLT for obtaining reliable results.

Claim 10

Brown does not teach applying XSLT transforms to the information and generating DHTML.

Moore teaches applying XSLT transforms to the information and generating DHTML. (**Moore,** ¶0291; 'XSLT transform' of applicant is equivalent to 'XSLT as a scripting language' of Moore. 'Generating DHTML' of applicant is equivalent to using as a presentation language of DHTML of Moore.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by applying XSLT to DHTML as taught by Moore to apply XSLT transforms to the information and generating DHTML.

For the purpose of generating a interface which a user can interact with.

Claim 11

Brown does not teach generating DHTML encoding a plurality of options for translating an element of the information.

Moore teaches generating DHTML encoding a plurality of options for translating an element of the information. (**Moore,** ¶0291; 'Generating DHTML' of applicant is equivalent to using as a presentation language of DHTML of Moore. A 'presentation language' of Moore is equivalent to 'translating an element of the information' of applicant.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using DHTML abilities

as taught by Moore to generate DHTML encoding a plurality of options for translating an element of the information.

For the purpose of having a dynamic interface so the user can input translation requests.

Claim 13

Brown does not teach interpreting a plurality of options adapted for use in translation of an element of the information using DHTML logic.

Moore teaches interpreting a plurality of options adapted for use in translation of an element of the information using DHTML logic. (**Moore,** ¶0291; 'Interpreting' of applicant is the presentation language function. ) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using DHTML as taught by Moore to interpreting a plurality of options adapted for use in translation of an element of the information using DHTML logic.

For the purpose of using logic to provide accurate results obtained from the use of established software as DHTML logic.

Claim 35

Brown does not teach wherein XSLT is employed to translate the information.

Moore teaches wherein XSLT is employed to translate the information. (**Moore,** ¶0291; 'XSLT transform' of applicant is equivalent to 'XSLT as a scripting language' of

Moore.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using XSLT as taught by Moore to have wherein XSLT is employed to translate the information.

For the purpose of using standard information technologies such as XSLT for obtaining reliable results in translation tasks.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of the combination of Koizumi and Jayaram. (U. S. Patent Publication 20020026633, referred to as **Koizumi**; U. S. Patent 6996589, referred to as **Jayaram**)

Claim 16

Brown does not teach presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information.

Koizumi teaches presenting to each of a plurality of users. (**Koizumi,** ¶0380; 'Plurality of users' of applicant is disclosed by the delivery of the object program to the users of Koizumi.) Jayaram teaches a plurality of options adapted for use in translation of an element of the information. (**Jayaram,** C13:1-47; 'Plurality of options' of applicant is equivalent to 'commands' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by presenting multiple options to multiple users as taught by Koizumi and Jayaram to presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information.

For the purpose of dividing the work tasks into different sections for increased productivity per time.

Claim 17

Brown does not teach presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information, the plurality of options and the information element differing for each of the plurality of users.

Koizumi teaches presenting to each of a plurality of users. (**Koizumi,** ¶0380; 'Plurality of users' of applicant is disclosed by the delivery of the object program to the users of Koizumi.) Jayaram teaches a plurality of options adapted for use in translation of an element of the information, the plurality of options and the information element

differing for each of the plurality of users. (**Jayaram,** C13:1-47, abstract; 'Presenting a plurality of options of applicant is equivalent to 'constructs in a selectable list' of Jayaram. 'Translating an element' of applicant is disclosed by the 'database conversion engine' of Jayaram.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by presenting multiple options of translations to multiple users as taught by Koizumi and Jayaram to presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information, the plurality of options and the information element differing for each of the plurality of users.

For the purpose of obtaining different translations for different users, such that user specialization can be utilized.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21, 28-33, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Nixon. (U. S. Patent Publication 20020077711, referred to as **Nixon**)

Claim 21

Brown does not teach receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information.

Nixon teaches receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information. (**Nixon,** ¶0048; 'Plurality of users' of Nixon is equivalent to 'one or more users' of Nixon. 'Receiving input from each of a plurality of users' of applicant is equivalent to 'each user interface routine can receive' of Nixon. 'Preference adapted for use in translation' of applicant is equivalent to 'information from the asset utilization suite' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by inputting multiple users translation request as taught by Nixon to receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information.

For the purpose of a multiple of users being able to input data so that each user can receive outputs from their specific requests.

Claim 28

Brown does not teach providing a view of the destination system.

Nixon teaches comprising providing a view of the destination system. (**Nixon,** ¶0125; 'Providing a view' of applicant is equivalent to 'graphical views' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by providing output as taught by Nixon to have a view of the destination system.

For the purpose of seeing the interface of the system and the results of the translation which are imposed on the destination system.

Claim 29

Brown does not teach providing a plurality of differing views of the destination system, each of the plurality of differing views corresponding to a different use for the destination system.

Nixon teaches providing a plurality of differing views of the destination system, each of the plurality of differing views corresponding to a different use for the destination system. (**Nixon,** ¶0125; 'Plurality of differing views' of applicant is equivalent to 'one or more pull down menus' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by providing multiple views as taught by Nixon to have a plurality of differing views of the destination system, each of the plurality of differing views corresponding to a different use for the destination system.

For the purpose of each user having their own view, due to the logic it would hinder the user to see results of other views which are of no concern to the user.

Claim 30

Brown does not teach presenting in the graphical user interface the information and the second transformed version.

Nixon teaches presenting in the graphical user interface the information and the second transformed version. (**Nixon,** ¶0125, ¶0048; 'Graphical user interface' of applicant is equivalent to 'GUI' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using GUI interface as taught by Nixon to have in the graphical user interface the information and the second transformed version.

For the purpose of using a GUI which allows for increase of ease of use for the user.

Claim 21

Brown does not teach receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information.

Nixon teaches receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information. (**Nixon,** ¶0048; 'Plurality of users' of Nixon is equivalent to 'one or more users' of Nixon. 'Receiving input from each of a plurality of users' of applicant is equivalent to 'each user

interface routine can receive' of Nixon. 'Preference adapted for use in translation' of applicant is equivalent to 'information from the asset utilization suite' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having multiple users input e allowed as taught by Nixon to have receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information.

For the purpose of allowing the user to dictate translation needs thus permitting the user to focus in on specific translation elements.

Claim 32

Brown does not teach wherein the second transformed version is based on the first transformed version.

Nixon teaches wherein the second transformed version is based on the first transformed version. (**Nixon,** ¶0088; 'Second transformed version based on the first' of applicant can be seen as the 'hierarchy represents' of a user.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by altering an existing interface as taught by Nixon to have the second transformed version is based on the first transformed version.

For the purpose of updating an interface for greater or lesser content for increased accuracy of field of use.

Claim 33

Brown does not teach wherein the second transformed version is not based on the first transformed version.

Nixon teaches wherein the second transformed version is not based on the first transformed version. (**Nixon,** ¶0048; 'Not based on the first transform' of applicant is equivalent to 'different sets' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by generating a new interface as taught by Nixon to have the second transformed version is not based on the first transformed version.

For the purpose of looking at a completely different interface if needed to observe different scenarios for other solutions which are outside a specific domain.

Claim 36

Brown does not teach wherein at least one of the first plurality of patterns is a set.

Nixon teaches wherein at least one of the first plurality of patterns is a set. (**Nixon,** ¶0048; 'Patterns is a set' of applicant is disclosed by 'different sets' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having information in a set as taught by Nixon to have at least one of the first plurality of patterns is a set.

For the purpose of using set theory in a abstract way to reduce input parameters or established scenarios for greater efficiency.

Claim 37

Brown does not teach wherein at least one of the first plurality of patterns is a hierarchy.

Nixon teaches wherein at least one of the first plurality of patterns is a hierarchy. (**Nixon,** ¶0088; 'Patterns is a hierarchy' of applicant can be seen as the 'hierarchy represents' of a user.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having a hierarchy structure in patterns as taught by Nixon to have wherein at least one of the first plurality of patterns is a hierarchy.

For the purpose of looking at hierarchy patterns related in a processing structure for increased understanding of an overall pattern.

Claim 38

Brown does not teach wherein at least one of the first plurality of patterns is a naming convention.

Nixon teaches wherein at least one of the first plurality of patterns is a naming convention. (**Nixon,** Fig. 8; "naming convention' of applicant is illustrated by the examples of 'Mixing-reagent1', 'Mixer-in1', 'Mixer-reagent2', 'Mixer-in2', 'Mixer-feed', 'Mixer-in', ''Static mixer' and 'Mixer-out' of Nixon.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the

teachings of Brown by using naming conventions as taught by Nixon to have at least one of the first plurality of patterns is a naming convention.

For the purpose of ease of search based on the name of patterns.

Claim 39

Brown does not teach wherein the user input is derived from input from a first user and input from a second user.

Nixon teaches wherein the user input is derived from input from a first user and input from a second user. (**Nixon,** ¶0048; Nixon discloses that one or more users can subscribe to the same or different sets of data.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having multiple users work on each other's input as taught by Nixon to have wherein the user input is derived from input from a first user and input from a second user.

For the purpose of being to modify each other work for improved results.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view the combination of Koizumi and Betawar. (U. S. Patent Publication 20020026633, referred to as **Koizumi;** U. S. Patent Publication 20020055804, referred to as **Betawar**)

Claim 22

Brown does not teach receiving input from each of a plurality of users regarding each user's preference for translating an element of the information, a first user's preference overriding a second user's preference.

Koizumi teaches receiving input from each of a plurality of users (**Koizumi,** ¶0380; 'Plurality of users' of applicant is disclosed by the delivery of the object program to the users of Koizumi.) Betawat teaches regarding each user's preference for translating an element of the information, a first user's preference overriding a second user's preference. (**Betawar,** ¶0057; In this example, 'First user' of applicant is equivalent to 'engineering supervisors of Betawar. Second user of applicant is equivalent to 'lower level line engineers'.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings

of Brown by having multiple users in which one user can override another input as taught by Koizumi and Betawar to receiving input from each of a plurality of users regarding each user's preference for translating an element of the information, a first user's preference overriding a second user's preference.

For the purpose of having more than one person being able to override a preference for increased accuracy or prevention of an error.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view of Koizumi. (U. S. Patent Publication 20020026633, referred to as **Koizumi**)

Claim 34

Brown does not teach wherein a pattern matching rule from the first plurality of pattern matching rules is based on a plurality of knowledge elements and at least one known relationship between the plurality of knowledge elements, each of the plurality of knowledge elements identifiable as an entity in the information.

Koizumi teaches wherein a pattern matching rule from the first plurality of pattern matching rules is based on a plurality of knowledge elements and at least one known relationship between the plurality of knowledge elements, each of the plurality of knowledge elements identifiable as an entity in the information. (**Koizumi;** ¶0054; 'Pattern matching rule' of applicant is equivalent to 'translation rules' of Koizumi. 'Knowledge elements' and 'known relationship' of applicant is illustrated by the function of the ARM (abstract register machine) of Koizumi.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by using rules based on knowledge elements as taught by Koizumi to a pattern matching rule from the first plurality of pattern matching rules is based on a plurality of knowledge elements and at least one known relationship between the plurality of knowledge elements, each of the plurality of knowledge elements identifiable as an entity in the information.

For the purpose of using rules that follow elements and there relationship between them which aids in viewing patterns as clusters (or relationships) and thus using rules only associated with a specific cluster (or relationship) and the associated efficiency.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as set forth above, in view Betawar. (U. S. Patent Publication 20020055804, referred to as **Betawar**)

Claim 40

Brown does not teach wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a value chain than the second user.

Betawar teaches wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a value chain than the second user. (**Betawar,** ¶0057; 'First user' of applicant is equivalent to 'lower level line engineers' of Betawar. 'Input is derived' and 'input from a second user'

of applicant is illustrated by the supervisor being able to edit parameters.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by users having different authority positions as taught by Betawar to wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a value chain than the second user.

For the purpose of having the role of supervisor incorporated within the specification for increased accuracy.

Claim 41

Brown does not teach wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user.

Betawar teaches wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user. (**Betawar,** ¶0057; 'Different position' of applicant is equivalent to the difference 'lower level line engineers' and 'engineering supervisors' of Betawar.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having users at different authority levels as taught by Betawar to have wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user.

For the purpose of having the role of supervisor incorporated in a business setting within the specification for increased profits.

Claim 42

Brown does not teach wherein the user input is derived from input from a first user and input from a second user, at least a portion of the input from the second user altering at least a portion of the input from the first user.

Betawar teaches wherein the user input is derived from input from a first user and input from a second user, at least a portion of the input from the second user altering at least a portion of the input from the first user. (**Betawar,** ¶0057; 'First user' of applicant is equivalent to 'lower level line engineers' of Betawar. 'Input is derived' and 'input from a second user' of applicant is illustrated by the supervisor being able to edit parameters.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown by having the supervisor being able to alter input of another user as taught by Betawar to have wherein the user input is derived from input from a first user and input from a second user, at least a portion of the input from the second user altering at least a portion of the input from the first user.

For the purpose of the supervisor or making changes on lower level users input for modification or alteration for increased accuracy.

***Response to Arguments***

5. Applicant's arguments filed on October 25, 2007 for claims 1-45 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Each of claims 1, 5-7, 11-19, 21-24, 28, and 43-45 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-45 are now pending in this application. Each of claims 1 and 43-45 is in independent form.

I The Objection to the Specification

The specification was objected to, at Page 2 of the Office Action, because:
Claims 1, 43, 44, 45 state the existence of 'expert knowledge.' The specification is silent in describing what 16~d of 'expert knowledge is employed within the specification. There are numerous methods which this can be but the specification describes none.

Applicant respectfully traverses this objection. As an initial matter, no legal basis is provided for the objection. In addition, the specification, as originally submitted implicitly provides a description of what is meant by "expert knowledge" at least at paragraphs 8, 15, 22, 23, 24, and 51. For at least these reasons, reconsideration and withdrawal of the objection to the specification is respectfully requested.

Examiner's response:

The Examiner objected to the specification due to the fact that 'expert system' is not defined within the specification. As in the non-final office action, the Examiner explained there are numerous 'expert systems' and asked for detail inquiring which type is to be employed within the invention. 'Search algorithms', 'logic', 'stochastic methods', 'Economic models', 'classifiers and statistical learning methods' and 'neural networks' are some of the general tools used in an 'expert' system. The Examiner asked for which method is to be employed within the invention. Office Action stands.

7. In reference to the Applicant's argument:

II The Statutory Subject Matter Rejections

Each of claims 1-45 was rejected under 35 U.S.C. 101 as being directed to n0n-statutory subject matter. This rejection is respectfully traversed as moot in view of the present
• amendments to each of independent claims 1 and 43-45.

Specifically, claim 1, from which each of claims 2-42 ultimately depends, states, inter alia, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process", which is a practical application.

Claim 43 states, inter alia, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process", which is a practical application.

Claim 44 states, inter alia, "expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the

second transformed version to control information transfers in the fast food restaurant", Which is a practical application.

Claim 45 states, inter alia, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control, a biopharmaceutical process", which is a practical application.

For at least these reasons, reconsideration and withdrawal of these rejections is respectfully requested.

Examiner's response:

The Examiner considers the applicant's argument and withdraws the 35 U.S.C. §101 rejection based on the practical application of biopharmaceutical batch processing.

8. In reference to the Applicant's argument:

III. The Anticipation Rejections

Each of claims 1-8, 12, 14-15, 18-20, 23-27, 43-45 was rejected as anticipated under 35 U.S.C. 102(b). In support of the rejection, various portions of U.S. Patent 6996589 ("1ayaram") were applied. These rejections are respectfully traversed as moot in view of the present amendments to each of independent claims I and 43-45 as well as amendments to each of claims 5-7.

1. Claims 1. and 43-45
Specifically, claim 1, from which each of claims 2-42 ultimately depends, states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process.

Claim 43 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process".

Claim 44 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant".

Claim 45 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process".

For at least this reason, it is respectfully submitted that the rejection of claims I and 43-45 is unsupported by Jayaram and should be withdrawn. Also, the rejection of claims 2-8, 12; 14-15, 18-20, and 23-27, each ultimately depending from independent claim I, is unsupported by Jayaram and also should be withdrawn.

Examiner's response:

Jayaram is no longer used as a reference in these claims. Brown is related to biopharmaceutical processes and Jarett is related to the fast food industry. Office Action stands.

9. In reference to the Applicant's argument:

Claim 5

Claim 5 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "importing the first transformed version into the destination system; the first transformed version obtained from a Bailey INFI-90 configuration database".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 5.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Payson discloses a Bailey INFI-90. A Bailey INFI is hardware and is not associated to any specific field of use.

10. In reference to the Applicant's argument:

3. Claim 6

Claim 6 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "importing the second transformed version into the destination system, the second transformed version comprising configuration elements associated with a WinCC operator console".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 6.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Talanis discloses the use of WinCC which is a software application for plant operations and is not limited to a specific domain or type of plant.

11. In reference to the Applicant's argument:

4.Claim 7

Claim 7 states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "parsing the information, the information obtained from an APACS control system configuration database".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 7.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Mylopoulos discloses the use of APACS which is not limited to a specific field of use.

12. In reference to the Applicant's argument:

IV. The Obviousness Rejections

Each of claims 9-11, 13, 16-17, 21-39, and 40-42 was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of U.S. Patent 20010056429 ("Moore"), U.S. Patent 6996589 ("Jayaram"), U.S. Patent 20020026633 ("Koizumi"), U.S. Patent 20020077711 ("Nixon"), and/or U.S. Patent 20020055804 ("Betawar"). Each of these rejections is respectfully traversed.

A. Legal Standards

1. Prima Facie Criteria for an Obviousness Rejection
Over 40 years ago, in Graham v. John Deere Co., 383 U.S. 1,148 USPQ 459 (1966), the
Supreme Court established factors regarding the factual inquiry required to establish obviousness. The factors include:
1. determining the scope and contents of the prior art;
2. ascertaining differences between the prior art and the claims at issue;
3. resolving the level of ordinary skill in the pertinent art; and
4. considering objective evidence indicating obviousness or nonobviousness.

The Federal Circuit has applied Graham's required factual inquiry in numerous legal precedents that are binding on the USPTO.

It is recognized that most patentable inventions arise from a combination of old elements and often, each element is found in the prior art. In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998). The United States Supreme Court clarified the obviousness inquiry criteria in KSR International Co. v. Teleflexlne., 2007 U.S. LEXIS 4745 (2007). The KSR Court held:
I. "It]he question is not whether the combination was obvious to the patentee but whether the combination was obvious to a person with ordinary skill in the art"; 2. "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art";
3. it is necessary "to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit"; and
4. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" (quoting In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006).

In order to establish aprimafacie case of obviousness, certain criteria must be met. Evidence must be provided that indicates that the combination was obvious to a person with ordinary skill in the art. KSR International Co. v. Teteflex Inc., 2007 U.S. LEXIS 4745 (2007);

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The evidence must include an apparent reason, with a rational underpinning, to combine the known elements in the fashion claimed in the patent at issue. KSR International Co, v. Teleflex Inc., 2007 U.S. LEXIS 4745 (2007). There must be a reasonable expectation of success. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143. In addition, the prior art reference (or references when combined) must teach.., all the

claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143.

Moreover, the "Patent Office has the initial duty of supplying the factual basis for its rejection." In re Warner, 379 F.2d. 1011,154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057, reh 'g denied, 390 U.S. 1000 (1968). "It may not.., resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis", Id.

It is legal error to "substitute[] supposed per se rules for the particularized inquiry required by section 103. It necessarily produces erroneous results." See, In re Ochiai, 71 F.3d 1565, 1571, 37 USPQ2d 1127, 1132-33 fled. Cir. 1998); In re Wright, 343 F.2d 761,769-770, 145 USPQ 182, 190 (CCPA 1965).

"Once the examiner.., carries the burden of malting out aprimafacie case of unpatentability, 'the burden of coming forward with evidence or argument shifts to the applicant.'" In reAlton, 76 F.3d 1168, 37 USPQ2d 1578 (Fed. Cir. 1996) (quotingln re Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444).

2. All Words in a Claim Must Be Considered
"To establish prima facie obviousness .... '[a]ll words in a claim must be considered'". MPEP 2143.03, quoting In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); see aLvo, In reRoyka, 490 F.2d 981,180 USPQ 580 (CCPA 1974); In re Wilder, 429 F.2d 447, 166 USPQ 545, 548 (CCPA 1970); In re Angstadt, 537 F.2d 498, 190 USPQ 214, 217 (CCPA 1976); In re Geerdes, 491 F.2d 1260, 180 USPQ 789, 791 (CCPA 1974).

3. Unfounded Assertions of Knowledge

A bald assertion of knowledge generally available to one of ordinary skill in the art to bridge the evidentiary gap is improper. Such unfounded assertions are not permissible substitutes for evidence. See, In re Lee, 277 F.3d 1338, 1435, 61 USPQ2d 1430, 1435 (Fed. Cir. 2002). That is, deficiencies of the cited references can not be remedied by general conclusions about what is basic knowledge or common sense to one of ordinary skill in the art. In re Zurko, 258 F.3d 1379, 1385-86 (Fed. Cir. 2001).

4. Lack of Evidence of Reasons for Combining References
Under the Graham analysis, the "examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness." MPEP 2142. The requirements for meeting this burden are dear.

To factually support aprlmafacle conclusion of obviousness, an Office Action must provide evidence that indicates that the combination was obvious to a person with

ordinary skill in the art. The evidence must include an apparent reason, with a rational underpinning, to combine the known elements in the fashion claimed in the patent at issue. "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational, underpinning to support the legal conclusion of obviousness" I(_SR International Co. v. Teleflex Inc., 2007 U.S. LEXIS 4745 (2007) (quoting In re Kahn, 441 F. 3d 977,988 (Fed. Cir. 2006).

5. Next Office Action
If an Office Action falls to set forth sufficient facts to provide aprimafacie basis for the rejections, any future rejection based on the applied reference will necessarily be factually based on an entirely different portion of that reference, and thus will be legally defined as a "new grounds of rejection." Consequently, any Office Action containing such rejection can not properly be made final. See, In re Wiechert, 152 USPQ 247,251-52 (CCPA 1967) (defining "new ground of rejection'" and requiring that "when a rejection is factually based on an entirely different portion of an existing reference the appellant should be afforded an opportunity to malce a showing of unobviousness vis-a-vis such portion of the reference"), and In re Warner, 379 F.2d 1011, 154 USPQ 173, 178 (CCPA 1967) (the USPTO."has the initial duty of supplying the factual basis for its rejection").

Examiner's response:

The applicant changed the scope of the independent claims thus permitting the Office Action to be final.

13. In reference to the Applicant's argument:

B. Analysis

1. Claims 9-11, 13, 16-17, 21-39, and 40-42
None of the applied portions of the references relied upon in the Office Action, whether. considered alone or in combination, establishes a primafacie case of obviousness.

As an initial matter, the rejections of each of claims 9-11, 13, 16-17, 21-39, and 40-42 are
traversed as moot in view of at least the present amendments to claim I. As stated above, claim 1, from which each of claims 9-11, 13, 16-17, 21-39, and 40-42 ultimately depends, states, inter alia, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process". The remaining applied portions of the relied-upon references do not overcome at least
these deficiencies of Jayaram.

Thus, even if there were proper evidence of obviousness presented in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), no substantial evidence has been presented the applied portions of the references relied upon in the Office Action, as attempted to be modified and/or combined, expressly or inherently teaeh every limitation of the independent claims, and consequently the Office Action faiLs to establish aprimafacie case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

In addition, Applicant respectfully notes that the present Office Action fails to evidence the
scope and contents of the prior art as required under Graham. The present Office Action fails to even identify what "the pertinent art" is. Moreover, the present Office Action fails to evidence the level of ordinary skill in the pertinent art.

Applicant respectfully traverses the failure of the present Office Action to comply with the requirements of Graham and thereby, to provide aprimafacie rejection under 35 U.S.C. 103.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal of each rejection of each of claims 9-11, 13, 16-17, 21-39, and 40-42.

Examiner's response:

Brown is related to the processing of biopharmaceutical batches. Jayaram is used in combination with Brown on some dependent claims. Jayaram has to do with

database conversion and is not associated to any specific field. Jayaram is used is disclose the use of common computer languages and other computer properties none of which are associated to a specific domain of use. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Brown and processing of biopharmaceuticals with common computer terms and properties.

14. In reference to the Applicant's argument:

2. Claim 9

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 9, in such a manner so as to arrive at the claimed subject matter of claim 9. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 14:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by introducing XSLT as taught by Moore to apply XSLT transforms to the information. For the purpose o fusing standard information technologies such as XSLT.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSE. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 9.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Moore discloses XSLT which is a scripting language. Using a computer language in a computer application is not beyond the scope of those skilled in the art. XSLT is an alternative to HTML which can be used in web pages. Web pages cover a wide range of topics.

15. In reference to the Applicant's argument:

3. Claim I0

The present Office Action fails to provide evidence of obviousness as required under KS R. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 10, in such a manner so as to arrive at the claimed subject matter of claim 10. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 14:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by applying XSLT to DHTML as taught by Moore to apply XSLT .transforms to the information and generating DHTML. For the purpose of generating a interface.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KS.R. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 10.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Moore discloses DHTML which is a scripting language. Using a computer language in a computer application is not beyond the scope of those skilled in the art. DHTML is an alternative to HTML which can be used in web pages. Web pages cover a wide range of topics.

16. In reference to the Applicant's argument:

4. Claim II

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why. one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim I I, in such a manner so as to arrive at the. claimed subject matter of claim 1 I. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 15:

lilt would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using DHTML abilities as taught by Moore to generate DHTML encoding a plurality of options for translating an element of the information. For the purpose of having a dynamic interface.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art",

as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 11.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Moore discloses DHTML which is a scripting language. Using a computer language in a computer application is not beyond the scope of those skilled in the art. DHTML is an alternative to HTML which can be used in web pages. Web pages cover a wide range of topics.

17. In reference to the Applicant's argument:

5. Claim 13

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 13, in such a manner so as to arrive at the claimed subject matter of claim 13. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Pages 15-16:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by resulting in DHTML logic as taught by Moore to interpret a plurality of options for translating an element of the information using DHTML logic. For the purpose of using industrial standard code thus reducing interaction errors.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to

combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as requited by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 13.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Moore discloses DHTML which is a scripting language. Using a computer language in a computer application is not beyond the scope of those skilled in the art. DHTML is an alternative to HTML which can be used in web pages. Web pages cover a wide range of topics.

18. In reference to the Applicant's argument:

6. Claim 16
Claim 16 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information". The present Office Action states, at Page 17, "Koizumi teaches presenting to each of a plurality of users." Yet no substantial evidence is of record that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information".

In addition, the present Office Action fails to provide evidence of obviousness as required reader KSR. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that am used in rejecting claim 16, in such a manner so as to arrive at the claimed subject matter of claim 16. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Page 17:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users as taught by Koizumi to present to each of a plurality of users. For the purpose of having more than one person to use the software.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 16.

Examiner's response:

Koizumi teaches multiple users within a computer application. The invention and Brown are applications using computers additionally, Brown is within the same domain as the invention. Thus the combination of Brown, Jayaram and Koizumi is within the scope of those skilled within the art.

19. In reference to the Applicant's argument:

7. Claim 17

Claim 17 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information, the plurality of options and the information element differing for each of the plurality of users". The present Office Action states, at Page 17, "Koizumi teaches presenting to each of a plurality of users." Yet no substantial evidence is of record that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of

the information, the plurality of options and the information element differing for each of the plurality of users".

In addition, the present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that am used in rejecting claim 17, in such a manner so as to arrive at the claimed subject matter of claim 17. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Pages 17-18:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having more than one user as taught by Koizumi to present to each era plurality of users. For the purpose of having more than one person to use the software.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 17.

Examiner's response:

Koizumi teaches multiple users within a computer application. The invention and Brown are applications using computers additionally, Brown is within the same domain as the invention. Thus the combination of Brown, Jayaram and Koizumi is within the scope of those skilled within the art. 'Plurality of users' of applicant is disclosed by the delivery of the object program to the users of Koizumi. (**Koizumi,** ¶0380) 'Presenting a plurality of options of applicant is equivalent to 'constructs in a selectable list' of Jayaram. 'Translating an element' of applicant is disclosed by the 'database conversion

engine' of Jayaram. . (**Jayaram,** C13:1-47, abstract) Koizumi and Jayaram are used in combination with Brown.

20. In reference to the Applicant's argument:

8. Claim 21

Claim 21 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information".

The present Office Action states, at Page 20, "Nixon teaches receiving input from each of a plurality of users regarding each user's preference for translating an element of the information. (Nixon, ¶ 006 g; ' Plurality o f users' of Nixon i s equivalent to ' one or more u sets' of Nixon.)."
Yet paragraph 0048 of Nixon states:

Also, generally speaking, one or more user interface routines 58 can be stored in and executed by one or more of the computers within the plant 10. For example, the computer 30, the user interface 14A, the business system computer 35 or any other computer may run a user interface routine 58. Each user interface routine 58 can receive or subscribe to information from the asset utilization suite fi0 end may provide information to the asset utilization suite 50 and either the same or different sets of data may be sent to each of the user interface routines 58. Anyone of the user interface routines 58 can provide different types of information using different screens for different users if so desired. For example, one of the user interface routines 58 may provide a screen or set of screens to a control operator or to a business person to enable that person to set constraints or to choose optimization variables for use in a standard control routine or in a control optimizer routine. The user interface routine 58 may provide a control guidance tool that enables a user to view the process performance and indexes created by the index generation software 51 or process performance models 56 in some coordinated manner. This operator guidance tool may also enable the operator or any other person to obtain information about the states of devices, control loops, units, etc. and to easily see the information related to the problems with these entities, as that information has been detected by other software within the process plant 10. The user interface routine 58 may also provide performance

monitoring screens using performance monitoring data provided by or generated by the tools 23 and 27, the maintenance programs such as the A_MS application or any other maintenance programs, or as generated by the models in conjunction with the asset utilization suite 50. Of course, the user interface routine 58 may provide any user access to and enable the user to change preferences or other variables used in any or all functional areas of the plant 10,

Thus, the applied portions of Nixon teach "one ore more User interfaces that "may provide any user access to and enable the user to change preferences or other variables used in any or all functional areas of the plant 10". No substantial evidence is of record that the applied portions of the relied-upon references teach,"'receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information".

In addition, the present Office Action fails to provide evidence of obviousness as required under KS R. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 21, in such a manner so as to arrive at the claimed subject matter of claim 21. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 20:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by being to input information from a plurality of users as taught by Nixon to receive input from each of a plurality of users regarding each user's preference for translating an element of the information. For the purpose of the invention being flexible with multiple user's inputs.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover,. no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 21.

Examiner's response:

Applicant states that claim 21 recites 'receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information.' Nixon states that 'each user interface routine can receive or subscribe to information from the asset utilization suite.' 'Receiving input from each of a plurality of users' of applicant is equivalent to 'each user interface routine can receive' of Nixon. 'Preference adapted for use in translation' of applicant is equivalent to 'information from the asset utilization suite' of Nixon. Nixon relates to process performance monitoring with process monitoring and control. Nixon also is not predetermined within a given field of use, therefore, combining Brown with Nixon discloses no conflict of domains.

21. In reference to the Applicant's argument:

9. Claim 22

The present Office Action fails to provide evidence Of obviousness as required under KSR. For example, regarding the proffered combinations of :Jayaram, Koizumi, and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 22, in such a manner so as to arrive at the claimed subject matter of claim 22. Regarding the proffered
combination of Jayaram, Koizumi, and Betawar the present Office Action asserts, at Page 27:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users in which one user can override another input as taught by Koizumi and Betawar to receiving input from each of a plurality of users regarding each user' s preference for translating an element of the information, a first user' s preference overriding a second user's preference. For the purpose of having more than one person being able to override a preference.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to Combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 22.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

22. In reference to the Applicant's argument:

10. Claim 28

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 28, in such a manner so as to arrive at the claimed subject matter of claim 28. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 20-21:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by providing output as taught by Nixon to have a view of the destination system. For the purpose of see the interface of the system.

Applicant respectfully submits that this unsupported assertion provides no evidence of,

from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 28.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

23. In reference to the Applicant's argument:

II. Claim 29

The present Office Action fairs to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayararn and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 29, in such a manner so as to arrive at the claimed subject matter of claim 29. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 2 I:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by providing multiple views as taught by Nixon to have a plurality of differing views of the destination system, each of

the plurality of differing views corresponding to a different use for the destination system. For the purpose of each user having their own view if required.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant restates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 29.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

24. In reference to the Applicant's argument:

12. Claim 30

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 30, in such a manner so as to arrive at the claimed subject matter of claim 30. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 22:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using GUI interface as

taught by Nixon to have in the graphical user interface the information and the second transformed version. For the purpose of ease of use for the user.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 30.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

25. In reference to the Applicant's argument:

13. Claim 31

Claim 31 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version". The present Office Action states, at Page 22:

Nixon teaches presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version. (Nixon, ¶ 0048; ' Second transformed version' of applicant can be seen as the 'different types of information' of a user.).

Yet, given that claim 1 states, infer alia, "transforming the information using user input to obtain a second transformed version of the information", the statement of the present Office Action that "'Second transformed version' of applicant can be seen as the 'different types of information' era user" appears to be factually incorrect. No substantial evidence is of record that the applied portions of the relied-upon references teach, "presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version".

In addition, the present Office Action fails to provide evidence of obviousness as required under KS R. For example, regarding the proffered combinations of 1ayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 31, in such a manner so as to arrive at the claimed subject matter of claim 31. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 22:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by being able to alter the interface as taught by Nixon to present in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version. For the purpose of altering the interface if needed or required by the user.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 31.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields. 'Second

transformed version' of applicant can be seen as the 'different types of information' of a user. (**Nixon,** ¶0048) Graphical user interface is disclosed in Nixon. (**Nixon,** ¶0125)

26. In reference to the Applicant's argument:

14. Claim 32

The present Office Action fairs to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 32, in such a manner so as to arrive at the claimed subject matter of claim 32. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 23:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by altering an existing interface as taught by Nixon to have the second transformed version is based on the first transformed version. For the purpose of updating an interface for greater or lesser content.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 32.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

27. In reference to the Applicant's argument:

15. Claim 33

Claim 33 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "wherein the second transformed version is not based on the first transformed version". The present Office Action states, at Page 23:

Nixon teaches wherein the second transformed version is not based on the first transformed version. (Nixon, ¶ 0048; 'Not based on the first transform' of applicant is equivalent to 'different sets' of Nixon.)

Yet, given that claim 1 states, inter alia, "transforming the information using user input to obtain a second transformed version of the information", the statement of the present Office Action that Nixon teaches the claimed subject matter of claim 33 regarding the claimed "second transformed version" appears to be factually incorrect. No substantial evidence is offered that the applied portions of the relied-upon references teach, "wherein the second transformed version is not based on the first transformed version".

In addition, the present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 33, in such a manner so as to arrive at the claimed subject matter of claim 33. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 23-24:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by generating a new interface as taught by Nixon to have the second transformed version is not based on the first

transformed version. For the purpose of looking at a completely different interface if needed.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 33.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields. As to the apparent 'factually incorrect' portion of the argument, claim 1 states the second transformed version is from the transformation of information. Claim 33 differs from claim 1 stating that the second transformation is not based on the first transform. Nixon teaches 'Not based on the first transform' of applicant is equivalent to 'different sets' of Nixon. (**Nixon,** ¶0048)

28. In reference to the Applicant's argument:

16. Claim 34

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 34, in such a manner so as to arrive at the claimed subject matter of claim 34. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Page 19:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using rules based on knowledge elements as taught by Koizumi to a pattern matching rule from the first plurality of pattern matching rules is based on a plurality of knowledge elements and at least one known relationship between the plurality of knowledge elements, each of the plurality of knowledge elements identifiable as an entity in the information. For the purpose of using rules that follow elements and there relationship between them.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as requited by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal, the rejection of claim 34.

Examiner's response:

Koizumi teaches multiple users within a computer application. The invention and Brown are applications using computers additionally, Brown is within the same domain as the invention.

29. In reference to the Applicant's argument:

17. Claim 35

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of 1ayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 35, in such a manner so as to arrive at the claimed subject matter of claim 35. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 16:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using XSLT as taught by Moore to have wherein XSLT is employed to translate the information. For the purpose of using standard information technologies such as XSLT.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 35.

Examiner's response:

Jayaram is no longer used as a reference in this claim. Moore discloses XSLT which is a scripting language. Using a computer language in a computer application is not beyond the scope of those skilled in the art. XSLT is an alternative to HTML which can be used in web pages. Web pages cover a wide range of topics.

30. In reference to the Applicant's argument:

18. Claim 36

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 36, in such a manner so as to arrive at the claimed subject matter of claim 36. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 24:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having information in a set as taught by Nixon to have at least one of the first plurality of patterns is a set. For the purpose of easing the search of information.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 36.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

31. In reference to the Applicant's argument:

19. Claim 37

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 37, in such a manner so as to arrive at the claimed subject matter of claim 37. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 24-25:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having a hierarchy structure in patterns as taught by Nixon to have wherein at least one of the first plurality of patterns is a hierarchy. For the purpose of looking at patterns related in a processing structure.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 37.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

32. In reference to the Applicant's argument:

20. Claim 38

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 38, in such a manner so as m arrive at the claimed subject matter of claim 38. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 25:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using naming conventions as taught by Nixon to have at least one of the first plurality of patterns is a naming convention. For the purpose of ease of search based on the name of patterns.

Applioant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 38.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields.

33. In reference to the Applicant's argument:

21. Claim 39

Claim 39 states, inter alia, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "wherein the user input is derived from input from a first user and input from a second user". The present Office Action states, at Page 25, "Nixon teaches wherein the user input is derived from input from a first user and input from a second user. (Nixon, ¶ 0048; Nixon discloses that one or more users can subscribe to the same or different sets of data.)".

Yet, paragraph 0048 is cited, supra. Given that claim 1 requires that the "user input" used in "transforming the information .... to obtain a second transformed version of the information", the statement of the present Office Action that Nixon teaches the claimed subject matter of claim 39 regarding the claimed "user input" appears to be factually incorrect. No substantial evidence is of record that the applied portions of the relied-upon references teach, "wherein the user input is derived from input from a first user and input from a second user".

In addition, the present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 39, ha such a manner so as to arrive at the claimed subject matter of claim 39. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 25-26:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users work on each other' s input as taught by Nixon to have wherein the user input is derived from input from a first user and input from a second user. For the purpose of being to modify each other work for improved results.

• Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KS.R. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 39.

Examiner's response:

Applicant states that there is no evidence to combine Brown with Nixon. Brown is associated with biopharmaceutical processes and Nixon relates to process performance monitoring with process monitoring and control. These two are in related fields. Applicant states of an apparent error within the reference. The Examiner views 'wherein the user input is derived from input from a first user and input from a second user' of applicant is equivalent to 'that one or more users can subscribe to the same or different sets of data. (**Nixon,** ¶0048)

34. In reference to the Applicant's argument:

22. Claim 40

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used ha rejecting claim 40, in such a manner so as to arrive at the claimed subject matter of claim 40. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Pages 28-29:

it would have been obvious to a person having ordinary atoll in the art at the time of applicant's invention to modify the teachings of Jayaram by users having different authority positions as taught by Betawar to wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a value chain than the second user. For the purpose of having the role of supervisor incorporated within the specification.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover,

no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 40,

Examiner's response:

Brown is associated with biopharmaceutical processes and Betawar discloses editing and creating process recipes. Being able to edit, change, modify or alter biopharmaceutical processes would be vital to produce biopharmaceutical batches as new requirements arrive.

35. In reference to the Applicant's argument:

23. Claim 41

The present Office Action fails to provide evidence of obviousness as required under K.S.R. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 41, in such a manner so as m arrive at the claimed subject matter of claim 41. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Page 29:

lilt would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having users at different authority levels as taught by Betawar to have wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user. For the purpose of having the role of supervisor incorporated in a business setting within the specification.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from [he perspective of one of ordinary skill in [he art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under KSR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 41.

Examiner's response:

Brown is associated with biopharmaceutical processes and Betawar discloses editing and creating process recipes. Being able to edit, change, modify or alter biopharmaceutical processes would be vital to produce biopharmaceutical batches as new requirements arrive.

36. In reference to the Applicant's argument:

24. Claim 42

The present Office Action fails to provide evidence of obviousness as required under KSR. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 42, in such a manner so as to arrive at the claimed subject matter of claim 42. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Pages 29-30:

it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having users at different authority levels as taught by Betawar to have wherein the user input is derived from

input from a first user and input from a second user, the first user occupying a different position in a business process than the second user. For the purpose of having the role of supervisor incorporated in a business setting within the specification.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the parent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by KSR. Applicant reiterates that under K.SR "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 42.

Examiner's response:

Brown is associated with biopharmaceutical processes and Betawar discloses editing and creating process recipes. Being able to edit, change, modify or alter biopharmaceutical processes would be vital to produce biopharmaceutical batches as new requirements arrive.

***Examination Considerations***

37. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ

541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

38. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

39. Examiner's Opinion: Paragraphs 37 and 38 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

***Conclusion***

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

41. Claims 1-45 are rejected.

***Correspondence Information***

42. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3080. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 272-3150 (for formal communications intended for entry.)

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about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Peter Coughlan

12/13/2007

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